

Appln. No.: 09/630,534
Amendment Dated April 13, 2005
Reply to Office Action of January 13, 2005

MATP-598US

Remarks/Arguments:

Claims 1 - 17 are pending in the application. Claims 1, 6-8, 12, and 15-17 were rejected under 35 U.S.C. § 103(e) as being anticipated by Gordon et al. This ground for rejection is respectfully traversed. In particular, Gordon et al. do not disclose or suggest,

(b) placing a plurality of time selection fields on the display, the plurality of time selection fields representing respective incremental time indexes having respectively different magnitudes;

(c) selecting one time selection field of the plurality of time selection fields;

(d) activating the selected time selection field to determine the selected incremental time index; [and]

(e) calculating a new time of transmission for display by adding the selected incremental time index to one of the times of transmission currently displayed;

as required by claim 1, or

a plurality of time selection fields for selecting respective incremental time indexes responsive to an action input, the respective incremental time indexes having respectively different magnitudes; [and]

a calculator for calculating a new time of transmission for display by adding the selected incremental time index to a time value in the current time interval;

as required by claim 8.

In the Office Action, it is asserted that, in Gordon et al., the plurality of time selection fields include the day of week identification object 631, and next time slot 634. These items, however, do not meet the limitations of the claims. As set forth at col. 28, line 61 through col. 29, line 7, when any of the objects 631-638 is selected, pressing the up and down arrow keys on the remote control increments the presently indicated time slot. The day of the week is changed by pressing the page up key on the remote control. The system disclosed by Gordon et al. does not first select the day of the week field but, instead, increments the day of the week, in response to the page-up key on the remote control, regardless of which field is selected. Similarly, the time interval is adjusted up and down regardless of which of the

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objects 631-638 is selected. Thus, according to Gordon et al. If a viewer selects the day of the week object 631 and presses the up arrow key, the displayed information will advance by 1 and 1/2 hours, not by one day as would be required by the subject invention. Similarly, if the time field is selected, and the page up key on the remote control is pressed, the display would advance by one day.

Having a plurality of time index fields on the display and incrementing the time of transmission based on the selected field provides a more intuitive interface than is provided by Gordon et al. Furthermore, it requires fewer keys on the remote control to implement. The subject invention requires one button to select the time selection field and another button to activate it. Gordon et al. requires at least four keys, a selection key, up and down buttons and a page-up button.

Because Gordon et al. does not meet the limitations of claims 1 and 8 these claims are not subject to rejection under 35 U.S.C. § 102(e) in view of Gordon et al. Claims 6, 7 and 16 depend from claim 1 and claims 12, 15 and 17 depend from claim 8 and, thus, are not subject to rejection under 35 U.S.C. § 102(e) in view of Gordon et al. for at least the same reasons as claims 1 and 8.

Claims 5 and 14 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Gordon et al. This ground for rejection is respectfully traversed for the same reason as set forth above. As described, Gordon et al. do not disclose or suggest multiple time selection fields that may be selected and then activated in order to increment a displayed time of transmission. Accordingly, claims 1 and 5 are not obvious in view of Gordon et al. and, thus, claims 5 and 14, which depend from claims 1 and 8, respectively, are not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al.

Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Gordon et al and Stas et al. This ground for rejection is respectfully traversed. Gordon et al. is described above. Stas et al. concerns a system for locking channels. It does not disclose or suggest displaying any program guide information. Furthermore, the display in Stas et al. includes a grid of boxes which indicate whether a channel is locked at a particular time. Combining Stas et al. with Gordon et al., which displays program guide information, would so change the principle of operation of Stas et al. that it teaches away from the modification.

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If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.¹

Furthermore, there would be no motivation to combine Gordon et al. with Stas et al. because Gordon et al. already has a method for navigating the program guide. Thus, the only suggestion to combine Gordon et al. with Stas et al. impermissibly comes from Applicant's own disclosure. It is well settled that this is improper.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.* (emphasis added)²

Because neither Gordon et al. nor Stas et al. disclose or suggest a system that displays program guide information and includes a plurality of time selection fields that are selected and then activated to increment the displayed time of transmission, Claim 8 is not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al. and Stas et al. and, so, claims 9 and 10 which depend from claim 8 are not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al. and Stas et al.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Gordon et al., Stas et al., and Pezzillo et al. Gordon et al. and Stas et al. are described above. Pezzillo et al. concerns a system which uses the Internet to obtain and manage program schedule information. Like Gordon et al., Pezzillo et al. does not disclose or suggest, multiple time selection fields that may be selected and activated in order to increment a displayed time of transmission. Accordingly, Pezzillo et al. can not provide the material that is missing from Gordon et al. Moreover, for the same reason as set forth above, modifying Stas et al. to meet the limitations of the subject invention would change the principle of operation of Stas et al. and, thus, the Stas et al. can not be combined with either Gordon et al. or Pezzillo

¹ MPEP §2143.02 quoting *In re Ratti*, 123 USPQ 349 270 F.2d 810 (CCPA 1959)

² MPEP §706.02(j)

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et al. Accordingly, claim 11 is not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al., Stas et al., and Pezzillo et al.

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Gordon et al., Pezzillo et al. and Stas et al. This ground for rejection is respectfully traversed. For the reasons set forth above, claim 1 includes limitations that are neither disclosed nor suggested by Gordon et al. and Pezzillo. Furthermore, modifying Stas et al. to meet the limitations of the subject invention would change the principle of operation of Stas et al. and, thus, the Stas et al. can not be combined with either Gordon et al. or Pezzillo et al. Accordingly, claim 1 is not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al., Pezzillo et al. and Stas et al. and, thus, claims 2 and 3, which depend from claim 1 are not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al., Pezzillo et al. and Stas et al.

Claims 4 and 13 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Gordon et al. and Boyer et al. Gordon et al. is described above. Like Gordon et al. Boyer et al. does not disclose or suggest multiple time selection fields that may be selected and activated in order to increment a displayed time of transmission. Instead, Boyer et al. disclose arrows on either side of the grid that may be used to advance the time, a calendar that may be used to select - but not increment - a particular day and a time of day selection field that may be used to select - but no increment - a particular time of day (see Fig. 16). Accordingly, Boyer et al. do not provide the material that is missing from Gordon et al. Consequently, claims 1 and 8 are not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al. and Boyer et al. and claims 4 and 13, which respectively depend from claims 1 and 8 are not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al. and Boyer et al.

The prior art made of record but not applied has been considered but does not affect the patentability of the invention.

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In view of the foregoing amendments and remarks, Applicant requests that the Examiner reconsider and withdraw the rejection of claims 1-17.

Respectfully submitted,


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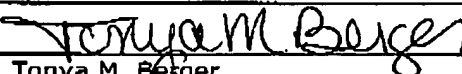
Dated: April 13, 2005

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April 13, 2005


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